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REMARKS

Applicants again want to thank the Examiner for conducting an interview with applicants' representative to discuss the rejections based on Ramakrishna (US patent 6,420,146). As stated in the Interview Summary, the submission of a statement indicating that the subject matter of Ramakrishna et al. and the claimed invention were commonly owned by the same person or organization or subject to an obligation of assignment to the same person or organization at the time of the claimed invention was made would overcome the rejections under 103(a) as being unpatentable over Ramakrishna et al. Such a declaration, as discussed below, is being filed with this paper.

Claims 22-36 were amended to overcome the Examiner's objections to the claims.

Applicants' respectfully traverse the Examiner's statement that claims 23, 24, 25, 28, 32 and 34 are rejected under 35 USC 112, second paragraph, as being indefinite.

In claim 23, the term "stable biosensing granules" in lines 5-6 refers to the stable biosensing granules in line 13 of claim 20. This is clear because according to step iv. of claim 20, the stable biosensing granules have a moisture content of 5-30%. According to lines 5-6 of claim 23, the stable biosensing granules obtained have a moisture content of 5-30%.

Claim 24 has been amended to delete the parentheses.

In regard to the Examiner's statements that the term "about" in claims 25 and 28 makes the claims indefinite, applicants respectfully draw the Examiner's attention to In **Modline Manufacturing Co v. International Trade Commission,** 75 F.3d. 1545 37 USPQ2d 1609 (Fed. Cir. 1996) in which, the Federal Circuit, after reviewing prior case law on the subject, held in connection with the term "about"

> Although it is rarely feasible to attach a precise limit to "about", the usage can usually be understood in the light of the technology embodied in the invention.[1]

The Examiner's attention is drawn to page 4, lines 29-30 where it is stated that the pH of the prepared synthetic growth media is adjusted to about 7.0 using 0.1 N hydrochloric acid or 0.1 N sodium hydroxide. As described on page 4, lines 6- 11the microbial consortia is inoculated into a synthetic growth media and incubated till the level of liquour suspended solids reaches 14500-15500 mg/liter. One skilled in the art understanding that the microbial consortia are to be incubated in the synthetic growth media would understand the meaning and usage of the term "about" in terms of pH and temperature in this context. Therefore, in light of usage of the term "about" when measuring pH and temperature, it is respectfully requested that the rejection be withdrawn.

The term "MLSS" in claim 29 refers to "mixed liquor suspended solids (MLSS)" in lines 8-9 of claim 22.

The immobilized biosensing granules in line 2 of claim 32 refers to the immobilized biosensing granules in line 11 of claim 20. As stated in claim 32 the active aerobic microbial consortia to obtain immobilized biosensing granules is in a range of 3-5% (w/v).

Claim 34 has been amended to delete the word "the" before "aqueous."

Accordingly, it is respectfully requested that the rejection under 35 USC 112, second paragraph be withdrawn.

In regard to the rejections under 35 USC 103(a) each of which include US patent 6,420,146 as prior art, attached is the declaration of inventor Reddy

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[1]More recently, the Federal Court of Claims reviewed the prior case law in **Chemical Separation Technologies Inc. v. United States.** 63 USPQ2d 1114 (2002)

Shetty Prakasham. In this declaration, he states that at the time the invention described and claimed in US patent 6,420,146 was made the invention was owned by and the inventors were under an obligation to sign an assignment assigning the invention to Council of Scientific and Industrial Research and similarly, at the time the invention described and claimed in US patent application 09/652,753 was made, the invention was owned by and the inventors were under an obligation to sign an assignment assigning the invention to Council of Scientific and Industrial Research. Therefore, the '146 is not citable as prior art and it is respectfully requested that the rejections under 35 USC 103(a) be withdrawn.

All rights to file one or more divisional and/or continuation applications for any subject matter disclosed and not presently claimed in preserved. All rights to submit additional arguments in furtherance of the showing that the claims are not obvious over the cited references is preserved.

Accordingly, it is submitted that the application is in condition for allowance and favorable consideration is respectfully requested.

Respectfully submitted

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